



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,170	10/28/2003	Hiroshi Matsuzaki	17169	7150
23389 7590 10/10/2007 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			EXAMINER STACE, BRENT S	
			ART UNIT 2161	PAPER NUMBER
			MAIL DATE 10/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/695,170

Applicant(s)

MATSUZAKI ET AL.

Examiner

Brent S. Stace

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. This communication is responsive to the amendment filed August 6th, 2007. Claims 1-20 are pending. In the amendment filed August 6th, 2007, Claims 1, 18, and 19 are amended, Claim 20 is new, and Claims 1, 18, and 19 are independent. The examiner acknowledges that no new matter was introduced and the claims are supported by the specification. This action is made FINAL.

Response to Arguments

2. The Applicant's arguments filed August 6th, 2007 with respect to Claims 1-20 have been considered but are not persuasive.
3. As to the applicant's arguments with respect to Claims 1, 18, and 19 for the prior art(s) allegedly not disclosing or suggesting "how the weight coefficient is assigned by the position in "Example Window 90"...of Fig. 5," the examiner respectfully disagrees. In the cited sections below, Barber teaches a query window where the user drags & drops retrieval conditions and thumbnail images to query for images having conditions described by the layout, location and object of the conditions/thumbnails in the window. The layout of the conditions in the window is a matrix as shown in the associating figure, Fig. 5. How the thumbnails are arranged in the matrix/query window form changes the query conditions and, hence, the results returned (since the results are returned in order of how close they are to the query window/matrix). The user is able to designate the

importance of a thumbnail in the query window by changing its location/position in the query window. Also, the user has control over the importance of the thumbnail in the query by including it in the query window and, alternatively, by the use of free form drawing (Barber, col. 5, lines 44-47). As taught in Barber, col.8, lines 10-15, a weight for image characteristics (added to the image query window) can be assigned by default or by user action. Barber appears to teach the argument of the applicant.

4. The other claims argued merely because of a dependency on a previously argued claim(s) in the arguments presented to the examiner, filed August 6th, 2007, are moot in view of the examiner's interpretation of the claims and art and are still considered rejected based on their respective rejections from the first Office action (parts of recited again below).

Response to Amendment

Specification

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

6. In light of the applicant's respective arguments or respective amendments, the previous 35 USC § 112 rejections to the claims have been withdrawn.

Art Unit: 2161

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 20 recites "The method for setting a retrieval conditions" in line 1. This limitation is unclear because the phraseology makes poor sentence structure in the claims. It is unclear if a condition or multiple conditions are being claimed.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-6, 9, 10, 13-15, 17, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,751,286 (Barber et al.).

Claim 1 can be mapped to Barber as follows: "A method for setting retrieval conditions [Barber, col. 7, lines 7-19] when retrieving similar multimedia object data from a multimedia object database [Barber, col. 7, lines 7-10] on the basis of the retrieval condition set by a user, [Barber, col. 7, lines 7-19] the method comprising:

- displaying a retrieval condition setting area for setting a plurality of retrieval conditions as an independent area, the retrieval condition setting area being

arranged in a matrix form in which each row and each column are respectively assigned to one independent feature; [Barber, col. 5, lines 4-18] and

- allowing the user to place at least one multimedia object on one matrix element of the retrieval condition setting area; [Barber, col. 5, lines 4-18] and
- setting retrieval conditions using the features of the at least one multimedia object corresponding to the features assigned to the row and column of the matrix element on which the at least one multimedia object is placed" [Barber, col. 5, lines 4-18 with Barber, col. 7, lines 7-19].

Claim 2 can be mapped to Barber as follows: "The method according to claim 1, wherein the multimedia object data which has been set in the retrieval condition setting area comprises one of: inquiry object data which has been set as a retrieval condition; and one of an image and item associated with inquiry object data" [Barber, col. 5, lines 4-18 with Barber, col. 7, lines 7-19 with Barber, Fig. 5].

Claim 3 can be mapped to Barber as follows: "The method according to claim 1, further comprising:

- displaying an object data list display area for displaying images associated with respective data in the multimedia object database, [Barber, col. 5, lines 4-18 with Barber, col. 7, lines 7-19 with Barber, Fig. 5] wherein
- by selecting at least one multimedia object data from the object data list display area, the selected multimedia object data is displayed in the retrieval condition setting area and a retrieval condition is set" [Barber, col. 5, lines 4-18 with Barber, col. 7, lines 7-19 with Barber, Fig. 5].

Claim 4 can be mapped to Barber as follows: "The method according to claim 3, wherein in response to operation of a control button for setting object data into the retrieval condition setting area, disposed near one of an image and item associated with multimedia object data in the object data list display area, the multimedia object data is displayed in the retrieval condition setting area and a retrieval condition is set" [Barber, cols. 8-9, lines 65-4 with Barber, col. 11, lines 45-55 with Barber, col. 10, 35-38].

Claim 5 can be mapped to Barber as follows: "The method according to claim 3, wherein in response to direct specification of one of an image and item associated with multimedia object data in the object data list display area, the multimedia object data is displayed in the retrieval condition setting area and a retrieval condition is set" [Barber, col. 5, lines 4-18 with Barber, col. 7, lines 7-19 with Barber, Fig. 5 with Barber, col. 10, 35-38].

Claim 6 can be mapped to Barber as follows: "The method according to claim 3, wherein in response to operation of a pointing device to specify one of an image and item associated with multimedia object data in the object data list display area and move it onto the retrieval condition setting area, the multimedia object data is displayed in the retrieval condition setting area and a retrieval condition is set" [Barber, col. 5, lines 4-18 with Barber, col. 7, lines 7-19 with Barber, Fig. 5 with Barber, col. 4, lines 55-59].

Claim 9 can be mapped to Barber as follows: "The method according to claim 1, wherein

Art Unit: 2161

- the retrieval condition is set according to a plurality of feature values calculated from a multimedia object, [Barber, col. 7, lines 32-43 with Barber, col. 16, lines 14-18]
- the retrieval condition setting area has a plurality of feature setting areas, [Barber, col. 7, lines 7-20 with Barber, col. 7, lines 32-35] and
- the feature setting areas are assigned feature kinds which are set according to one of: the feature values; and a combination of the feature values" [Barber, col. 7, lines 7-20 with Barber, cols. 10-11, lines 65-21].

Claim 10 can be mapped to Barber as follows: "The method according to claim 9, wherein the feature setting areas are arranged and displayed in an n by m matrix form in the retrieval condition setting area, where n and m are natural numbers" [Barber, col. 7, lines 13-20].

Claim 13 can be mapped to Barber as follows: "The method according to claim 9, wherein

- the retrieval condition is set according to a combination of feature values which have been set in respective feature setting areas provided in the retrieval condition setting area, [Barber, col. 7, lines 13-20 with Barber, cols. 10-11, lines 65-21 with Barber, col. 9, lines 20-25] and
- a method of the combination is set by the user" [Barber, col. 7, lines 13-20].

Claim 14 can be mapped to Barber as follows: "The method according to claim 9, wherein

- inquiry object data is set and disposed in an arbitrary position in the retrieval condition setting area, [Barber, col. 9, lines 25-35] and
- a weight of set feature values is set according to a position in which the inquiry object data is set and disposed" [Barber, col. 9, lines 35-61 with Barber, col. 9, lines 25-35].

Claim 15 can be mapped to Barber as follows: "The method according to claim 1, wherein at the time of retrieval condition setting, attribute information owned by a multimedia object is set as a keyword in combination" [Barber, col. 6, lines 17-22 with Barber, col. 6, lines 30-35 with Barber, col. 6, lines 50-56].

Claim 17 can be mapped to Barber as follows: "The method according to claim 1, wherein the retrieval condition setting area is displayed in a display screen of a display device which is independent in hardware from an apparatus for executing actual retrieval" [Barber, col. 4, lines 47-64 with Barber, Figs. 1 and 5].

Claim 20 can be mapped to Barber as follows: "The method for setting a retrieval conditions according to claim 1, wherein the each row and column of the matrix area has a coordinate, and the value of the each coordinate corresponding to the place of the at least one multimedia object gives an importance of the feature assigned thereto" [Barber, cols. 5-6, lines 63-13 with Barber, col. 10, lines 1-3 with Barber, col. 3, lines 14-23].

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claims 7, 8, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,751,286 (Barber et al.) in view of U.S. Patent No. 5,930,783 (Li et al.).

For **Claim 7**, Barber teaches: "The method according to claim 2, wherein the inquiry object data is set in the retrieval condition setting area by one of."

Barber discloses the above limitation but does not expressly teach:

- "inputting it via an external object data input unit connected to a retrieval apparatus to which the method according to claim 2 is applied;
- selecting it from an external database; and

- taking in an object data file owned by the user.”

With respect to Claim 7, an analogous art, Li, teaches:

- “inputting it via an external object data input unit connected to a retrieval apparatus to which the method according to claim 2 is applied;
- selecting it from an external database; and
- taking in an object data file owned by the user.” [Li, col. 11, lines 55-62 with Li, col. 17, lines 30-39 with Li, Fig. 12].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Li with Barber because both inventions are directed towards searching for multimedia objects based on a query.

Li's invention would have been expected to successfully work well with Barber's invention because both inventions use computers, queries and at least a database. Barber discloses an image query system and method comprising finding similar images to an inputted query image, however Barber does not expressly disclose using thumbnails other than the ones provided. Li discloses semantic and cognition based image retrieval comprising the use of external files as base query images.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the use of external files as base query images from Li and install it into the invention of Barber, thereby offering the obvious advantage of being able to query based on any image as an input thumbnail.

For **Claim 8**, Barber (as modified by Li) fails to teach that an Internet address is a file path. Official Notice is taken that it is old and well known in the Internet art to get the

Art Unit: 2161

advantage of accessing files on the internet by using Internet addresses as a file path. It would have been obvious to one of ordinary skill in the art at the time of the invention to include Internet addresses as file paths to get this advantage.

For **Claim 18**, Barber teaches: "An apparatus for setting retrieval conditions [Barber, col. 7, lines 7-19] when retrieving similar multimedia object data from various multimedia object [Barber, col. 7, lines 7-10] ... on the basis of the retrieval condition set by a user, [Barber, col. 7, lines 7-19] the apparatus comprising:

- a display device having a display screen in which a retrieval condition setting area for setting a plurality of retrieval conditions is displayed as an independent area, the display device displaying the retrieval condition setting area in a matrix form in which each row and each column are respectively assigned to one independent feature; [Barber, col. 5, lines 4-18]
- an input unit configured to allow the user to place at least one multimedia object on one matrix element of the retrieval condition setting area; [Barber, col. 5, lines 3-18] and
- a retrieval condition setting unit configured to set retrieval conditions using the features of the at least one multimedia object corresponding to the features assigned to the row and column of the matrix element on which the at least one multimedia object is placed [Barber, col. 5, lines 4-18 with Barber, col. 7, lines 7-19].

Barber discloses the above limitations but does not expressly teach: "databases."

With respect to Claim 18, an analogous art, Li, teaches: "databases" [Li, col. 4, lines 64-67 with Li, col. 13, lines 37-41].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Li with Barber because both inventions are directed towards searching for multimedia objects based on a query.

Li's invention would have been expected to successfully work well with Barber's invention because both inventions use computers, queries and at least a database. Barber discloses an image query system and method comprising finding similar images to an inputted query image, however Barber does not expressly disclose databases of multimedia objects. Li discloses semantic and cognition based image retrieval comprising searching databases of multimedia objects.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the databases of multimedia objects from Li and install it into the invention of Barber, thereby offering the obvious advantage of being able to pull/query multiple databases so as to acquire more information that satisfies the query.

Claim 19 encompasses substantially the same scope of the invention as that of Claim 18, in addition to an apparatus and some means for performing the apparatus unit actions of Claim 18. Therefore, Claim 19 is rejected for the same reasons as stated above with respect to Claim 18.

Art Unit: 2161

15. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,751,286 (Barber et al.) in view of U.S. Patent No. 6,748,398 (Zhang et al.).

For **Claim 11**, Barber teaches: "The method according to claim 1, wherein the retrieval condition setting area comprises."

Barber discloses the above limitation but does not expressly teach: "a dissimilar feature setting area for setting a dissimilarity condition independently for each of selected objects."

With respect to Claim 11, an analogous art, Zhang, teaches: "a dissimilar feature setting area for setting a dissimilarity condition independently for each of selected objects" [Zhang, col. 7, lines 27-36].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Zhang with Barber because both inventions are directed towards searching for multimedia objects based on a query.

Zhang's invention would have been expected to successfully work well with Barber's invention because both inventions use computers, queries and at least a database. Barber discloses an image query system and method comprising finding similar images to an inputted query image, however Barber does not expressly disclose denoting thumbnails as related or not related to an image being queried. Zhang discloses a relevance maximizing, iteration minimizing, relevance-feedback, content-based image retrieval (CBIR) comprising marking images as related or not related to an image the user is searching for.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the marking images as related or not related from Zhang and install it into the thumbnails (which are images) of Barber, thereby offering the obvious advantage of narrowing the search for relevant images.

Claim 12 can be mapped to Barber (as modified by Zhang) as follows: "The method according to claim 11, wherein

- for each of feature values, similar and dissimilar feature setting areas are provided as an adjacent pair, [Zhang, col. 7, lines 27-36] and
- a plurality of pairs are arranged in an n by m (where n and m are natural numbers) matrix form" [Barber, col. 7, lines 13-20].

16. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,751,286 (Barber et al.) in view of U.S. Patent No. 6,363,376 (Wiens et al.).

For **Claim 16**, Barber teaches: "The method according to claim 1, wherein

- a result of retrieval conducted by using the retrieval condition which has been set is displayed in a list form in a retrieval result list display area, on the basis of one of: an order of similarity; and an order of a result of rearrangement when the user has conducted a rearrangement operation on the retrieval result, [Barber, col. 7, lines 47-56 with Barber, col. 8, lines 45-55] and
- a retrieval condition is set by one of: displaying as many high-ranking multimedia object data as a preset number ... on the basis of an order of display; and selecting at least one multimedia object data from the retrieval result list display

area and displaying the at least one multimedia object data in the retrieval condition setting area" [Barber, col. 8, lines 45-55].

Barber discloses the above limitations but does not expressly teach:

- "in the retrieval condition setting area."

With respect to Claim 16, an analogous art, Wiens, teaches:

- "in the retrieval condition setting area" [Wiens, col. 7, lines 25-36].

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Wiens with Barber because both inventions are directed towards searching for information and returning a certain number of results.

Wiens's invention would have been expected to successfully work well with Barber's invention because both inventions use computers for searching. Barber discloses an image query system and method comprising searching for images and displaying a pre-specified number of results in a results listing, however Barber does not expressly disclose that this pre-specified number is set in the retrieval condition setting area by a user. Wiens discloses a method and system for querying and posting to multiple career websites on the internet from a single interface comprising the user setting the number of results returned from a search in an area that must be equivalent to the retrieval condition setting area.

It would have been obvious to one of ordinary skill in the art at the time of invention to take the user setting the number of results returned from a search from Wiens and install it into the invention of Barber, thereby offering the obvious advantage

Art Unit: 2161

of having a more user-friendly user interface that, also, saves computations by limiting the number of results returned.

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent S. Stace whose telephone number is 571-272-8372 and fax number is 571-273-8372. The examiner can normally be reached on M-F 9am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu M. Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brent Stace *B. S.*


APU MOFIZ
SUPERVISORY PATENT EXAMINER

Am